

June 2, 2008

Regular Meeting

Mayor Foster called the regular meeting of the Denton Town Council to order at 7:00 PM on this date leading everyone in the Pledge of Allegiance to the Flag.

Mayor Foster asked that the record reflect that all Council members were present with the exception of Councilman Porter who would join them shortly.

Councilman Clendaniel asked that the minutes of the May 5, 2008 meeting be amended – Agenda item for Caroline Hospice should be Mrs. Evans instead of Mrs. Evan, and for the minutes to reflect that he actually abstained from voting on this item since his wife works for Hospice. With the above amendments Councilman Clendaniel then made a motion to approve the minutes of the May 5, 2008 meeting, seconded by Councilman Branson, passing unanimously.

Councilman Clendaniel made a motion to approve the minutes of the May 12, 2008 working session, seconded by Councilman Branson, passing unanimously.

Councilman Branson made a motion to approve the minutes of the May 19, 2008 working session, seconded by Councilman Clendaniel, passing unanimously.

Mayor Foster asked for the record to reflect that the minutes have been approved.

Public Hearing

Ordinance #558

Mayor Foster opened a public hearing at 7:04 PM to receive public comments on Ordinance #558 – An ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the budget adopted for fiscal year beginning July 1, 2008 and ending June 30, 2009.

Mayor Foster asked for comments from the State – there were none

Mayor Foster asked for comments from the County – there were none

Mayor Foster asked for comments from the Council – there were none

Mayor Foster asked for comments from the Public – there were none

With no further comments Mayor Foster closed this public hearing at 7:05PM.

Ordinance #559

Mayor Foster opened a public hearing at 7:05 PM to receive public comments on Ordinance #559 – An ordinance authorizing the Mayor of the Town Council to execute a contract for the sale of property described as Lot 10A-2 as shown on a plat entitled “Lot 10A Denton Industrial Park”, which is recorded among the plat records of Caroline County, MD.

Mayor Foster asked for comments from the State – there were none

Mayor Foster asked for comments from the County – there were none

Mayor Foster asked for comments from the Council – there were none

Mayor Foster asked for comments from the Public – there were none

With no further comments Mayor Foster closed this public hearing at 7:06 PM.

Petitions, Remonstrance’s and Communication

Angels of Mercy Home Health Care Services

Mr. Alex Tum, RN had previously requested the opportunity to discuss Angels of Mercy with the Town Council, Mr. Tum was not present.

Caroline County Health Department

A letter from Mr. Mike Campbell was reviewed in which he informed the Denton Town Council that the funds allocated by the Town to cover the Clinic’s deficit for FY

2008 will not be needed. Mr. Campbell asked the Council to consider the monies set aside for said deficit be carried over to the Town's FY 2009 budget and if possible be added to for the same purpose, in the event the Clinic has a deficit in FY 2009. The amount appropriated in FY 2008 was \$2000.

Councilman Clendaniel made a motion to roll the \$2,000 over to the 2009 budget, seconded by Councilman Moore. In discussion Staff advised that the funds in 2008 were reflected in the reserve fund and not listed in the budget as a separate line item. The motion passed unanimously. Mayor Foster asked for a letter to be sent to Mr. Campbell advising of the Council's decision.

State of Maryland Critical Area Commission

The Town of Denton has received correspondence from the State of Maryland Critical Area Commission regarding the reassignment of two MDP employees and the impending closure of the MDP's Upper Shore branch office. This issue was presented before the Council for discussion to consider sending a letter to the State expressing the support of keeping the local branch open.

Councilman Porter arrived at 7:10 PM

Councilman Moore made a motion to send a letter of support, seconded by Councilman Branson, passing unanimously.

Judge Owen Wise, renaming bypass bridge

The Council reviewed a letter from Judge Owen Wise. Judge Wise is seeking a letter of support from the Denton Town Council to have the MD Route 404 bypass bridge named for former Governor Harry R. Hughes.

Councilman Moore made a motion to send a letter of support, seconded by Councilman Clendaniel, passing unanimously.

Ordinances and Resolutions

Ordinance #558 – Appropriation Ordinance

The Appropriation Ordinance was introduced at the May 5th Council Meeting. The Council introduced the ordinance with the intent to amend and try to reduce the real property tax rate back to the constant yield rate of .613. After two working session the ordinance is back before the Council for consideration of adoption. The original ordinance was presented for consideration along with two other options. Option 1 – to leave the tax rate at \$.66 and place \$.02 into the Highway fund for street maintenance. Option 2 – a 1 cent tax reduction, adopting the real property tax rate of \$.65 per \$100 of assessment.

Councilman Branson made a motion to adopt Ordinance #558 Option 2 a 1 cent tax reduction, seconded by Councilman Porter. In discussion Councilman Moore questioned if the 1 cent is cut what would be affected. Staff advised that the part-time position requested for the finance department and the part-time position requested for a grounds keeper would be deferred.

Councilman Porter asked if the landfill tipping fee increase has been accounted for, and staff advised yes.

Scott Getchell, Director of Public Works advised that he respects the Council's decision, but asked the Council to consider placing the extra 1 cent into the highway fund so that it can be used to help cover the cost on some of the upcoming major road projects and repairs that are needed. The Highway fund has a limited income source which makes

it difficult to keep up with road maintenance, expressing this is an opportunity to make a difference.

The motion passed unanimously for a 1 cent tax reduction.

Ordinance #559 Industrial Park Contract of Sale Lot # 10A-2

Top Orchids, Inc. submitted a letter of interest in purchasing Lot 10A-2 of the Denton Industrial Park. Brynja Booth prepared an ordinance and an option agreement that was presented to the Council for consideration of adoption.

Mrs. Booth, the Town Attorney asked the Council to consider deferring this adoption until some items have been taken care of on this industrial park land.

Councilman Clendaniel made a motion to defer consideration of adoption on this ordinance until the July 7, 2008 meeting, seconded by Councilman Moore. In discussion Councilman Branson raised a concern about why this item was being deferred. The Town Attorney advised the Council to discuss in executive session if they had any further discussion on this item. The council agreed to hold an executive session before the end of the meeting.

The motion to defer this item passed 4-1 with Councilman Branson voting against.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 FY 2009 General Fund Budget

This item was on the agenda for any additional discussion on either the General Fund or Highway Budget. Staff will amend the General Fund and Highway Fund budget to reflect the real property tax rate that was adopted in the appropriations ordinance.

Councilman Porter made a motion to adopt the FY2009 General Fund budget as amended, seconded by Councilman Moore, passing unanimously.

Agenda #2 - Tennis Court Resurfacing – 4th Street Park

This item was deferred from May meeting. The Public Works Department brought the request back to the Council seeking consideration of approval of the bid from W.E. Seal, Inc. for the sum of \$9,992.61 to resurface the tennis courts at the 4th Street Park. W.E. Seal holds the contract for Anne Arundel County and is willing to extend a rider provision for the Town of Denton. Funds were allocated for this project in the FY08 General Fund. If approved, the work will take place before the summer time.

Councilman Branson expressed the in lieu of the tight economic time that he can not support spending \$9,000 on the tennis courts.

Councilman Branson made a motion to deny the request, seconded by Councilman Moore, passing 4-1 with Councilman Porter voting against.

Agenda #3- Glenfield Growth Allocation

A request from Ms. Cindy McCann on behalf of Mr. Chris Coile for the purpose of asking that the Town of Denton submit a letter requesting the County to award Critical Area Growth Allocation to the Town of Denton as set forth in the Growth Allocation Application signed by the Town pursuant to its February 4, 2008 meeting.

Councilman Porter made a motion for the Mayor to sign a letter to the County confirming the Council decision on this item at it's February meeting, seconded by Councilman Branson, the motion passed 4-1 with Councilman Clendaniel abstaining.

New Business

Agenda #1 – ENR Design Proposal

GMB prepared a proposal to design the wastewater treatment plant ENR upgrade. The proposal was provided to the Council as well as a memo from GMB explaining the purpose for the upgrade. The Town Attorney and the Denton Utility Commission have reviewed the proposal. The cost of the design work, upon approval from MDE, is 100% grant eligible. The Public Works Department requested the Council authorize the Mayor to sign the proposal.

Councilman Branson asked if interim financing would be necessary and staff advised that the MDE usually has a 2-4 week turn around in funding.

Councilman Moore asked why the upgrade was necessary. Staff provided some overview of changes in the State regulations. Staff also advised that this provides the opportunity for the Town to come into compliance with the changes at the state level and to have the cost covered by grant funds.

Councilman Porter spoke on behalf of the Utility Commission's recommendation, explaining the purpose and the need for the Council's support.

Councilman Moore made a motion to authorize the Mayor to sign the proposal, seconded by Councilman Branson, passing unanimously.

Agenda #2 - Denton Planning Commission Traffic Study Proposal

The Planning Commission has requested a complete traffic engineering study for Wal-Mart and a review of the Wal-Mart's Traffic Group engineering study. The cost of the study will be reimbursed to the Town by Wal-Mart. Traffic Concepts provided a proposal for the engineering study with a cost of \$6,200.

Bill Kastning, Director of Planning and Codes provided an overview to the Council and recommended that the Council approve the proposal conditioned upon approval from Wal-Mart to cover the cost.

Councilman Clendaniel asked if the study should be expanded to include the residential development proposed for the area. Staff advised that 2 of the 3 residential/commercial developments in the area already have traffic studies done by Traffic Concepts. The Town Attorney advised that the motion needs to be clear what is expected.

Councilman Clendaniel made a motion to authorize the Mayor to sign the traffic study proposal for \$6,200 with the understanding that Wal-Mart will pay for it and with the Planning Commission's approval, seconded by Councilman Branson, the motion passed unanimously.

Councilman Clendaniel made a motion to discuss with Traffic Concepts to tie in the developments planned in that area, seconded by Councilman Branson. The motion was amended to authorize Bill Kastning to work with Traffic Concepts to find out the cost of a comprehensive study to tie in the three developments, seconded by Councilman Branson, passing unanimously.

Agenda #3 - 2009 Legislative Action Request Form

MML is soliciting member municipalities for suggested legislative priorities for the 2009 legislative session.

No action was taken on this item.

Agenda #4 Schedule remaining work in Crouse Park and Lane Engineering proposal

Mr. Ellis Davison came before the Council regarding scheduling the remaining work in Crouse Park, grant expirations, the basketball court relocation and the Lane Engineering Proposal for site plan work in Crouse Park.

Councilman Moore asked how things were coming with the Choptank Athletic Association and the basketball courts. The Mayor and the Town Administrator met with the CAA and they have designated a spot, however they are not in the position to start the infrastructure for an entrance yet. Staff is pulling together some options to consider if the State Highway requires. There was discussion of the potential to contact the Masonic Lodge to see if they would be willing to reopen their court in the interim until the new court could be finished at the Sharp Road Park.

Ms. Sue Cruickshank told the Council that it was her understanding that the Town had to have a new court open before they could remove the old one and asked why the Town has been dragging it's feet and so slow to respond to getting a new location.

Mr. Davidson expressed that they have been working on this for months, the project has 17 different grants involved with only a part-time project manager. A correspondence was send to Ms. Hewlett in Sept.2007 and a response was not received back until May 2008.

The Town Administrator will contact Ms. Hewlett to gain knowledge about Section 4-F of the guidelines. Mayor Foster will try to make contact with Mr. Ed Bell to follow up on the possibility of re-opening the Masonic Lodge.

The Lane Engineering proposal of \$40,375 will provide a comprehensive site plan for Crouse Park.

Councilman Porter made a motion to accept the Lane Engineering proposal, seconded by Councilman Moore, passing unanimously.

Agenda #5 Caroline County Council of the Arts request for small business loan

A request from the Caroline County Council of the Arts for a small business loan was reviewed. The request is for the purpose of community arts development for Caroline County and for the renovation of 401 Market Street for a community arts center, gallery, and corporate office space. The loan request was provided to the Small Business Loan review committee, of which to date responses have been received from two of the members with a favorable recommendation.

Councilman Porter made a motion to approve the small business loan request to the Caroline County Council of Arts, seconded by Councilman Moore, passing unanimously.

Agenda #6 - Water and Sewer Allocation Savannah Overlook

A request was received for 2 additional water and sewer allocations for Savannah Overlook. The developer had purchased the Brown Property adjacent to the existing development. This is proposed to be subdivided into two additional lots. An allocation of 450 GPD is requested. For reference a copy of the Sewer Allocation ordinance was provided.

Bill Kastning provided an overview of the project and the Planning Commission's recommendation, advising that the County has not amended their water and sewer plan to include.

Councilman Porter made a motion to grant the allocation subject to the County amending the water and sewer comp plan. Councilman Clendaniel seconded the motion

with consideration to amend the motion to be subject to the conditions set by the Planning Commission. With the motion being amended it passed unanimously.

Agenda #7 - Denton Industrial Park Interim Financing

The Denton Town Council previously approved to re-acquire lot 10A, 11 and 12 from KRM Development Corporation. Lot 10 A has already been purchased to meet the turn around time frame for Hershey Creamery. Lot 11 and 12 are presently proposed to be financed through the State of Maryland One Maryland, however interim financing may need to be considered or a second contract extension.

Councilman Clendaniel made a motion to defer consideration of action until the July 7, 2008 meeting, seconded by Councilman Porter, passing unanimously.

Executive Session

Mayor Foster made a motion at 8:37 PM to hold an executive session to discuss the sale and purchase of Industrial Park lots 10A, 11 and 12 and to obtain legal advice on the sale and acquisition of lots from KRM Development, seconded by Councilman Branson, passing unanimously.

All Council members were present during the executive session along with the Town Administrator, Clerk-Treasurer, Director of Planning & Codes, Chief of Police and the Brynja Booth, Town Attorney.

No action was taken, the Council just received advice from the Town Attorney.

At 9:04 PM. Councilman Porter made a motion to close the executive session, seconded by Councilman Branson, the motion passed unanimously.

Regular Meeting re-opened

John Evans from the Times Record came back in after the executive session and inquired about an issue occurring on the industrial park land that the Council had previously deferred until next month wanting to know if it had anything to do with a farm lease issue. The Town Attorney advised Mr. Evans that she had just provided some legal advice to the Town Council during the executive session and had no comments at the time.

With no further discussion Councilman Randy Moore made a motion to adjourned this meeting at 9:07PM, the motion was seconded by Councilman Branson, passing unanimously..

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*